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09/644,594	08/23/2000	Spencer Andrew Meister	DDM00-031	2456

7590 09/16/2002

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[REDACTED] EXAMINER

BUTLER, MICHAEL E

ART UNIT	PAPER NUMBER
	3653

DATE MAILED: 09/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. 09/644,594	Applicant(s) Melster et al.
Examiner Michael E. Butler	Art Unit 3653

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Jun 3, 2002

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-20 is/are pending in the application.

4a) Of the above, claim(s) 9-17 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-8 and 18-20 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_      6)  Other: \_\_\_\_\_

**DETAILED ACTION***Drawings*

1. Applicant's representative notified examiner on 9/9 that he had received an office action (mailed 8/30) comprised only of the detailed action and the reviewed 1449 form. Accordingly, the missing references and the missing 892 are supplied with this repeated action and a restart on the applicant response period.

*Drawings*

2. New drawings will be required contingent upon allowance because the drawings were objected to by the declared informal by the applicant.

*Restriction/Election*

3. Applicant's election of the Group I claims on 6/3/02 in Paper No. 4 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). The restriction requirement is made final.

*Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 18-20 are rejected under 35 U. S. C. 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

By providing a providing means, it is indefinite whether the providing means provides itself.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 1-6, and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamm et al. which discloses:

(Re: cl 1) apparatus for delivering a companion device with delivery of a product apparatus (c3 L 15-17, art supplies with paper) comprising:  
control means for controlling dispensing (12)  
actuator coupled to control means 24  
link for effecting cooperation (28 Fig 1)  
(re: cl 2) companion means includes a dispensing means (82 )  
(re: cl 3) communications means for communicating (c3 L 37-52)  
memory means for storing operational information  
(re: cl 4) communication means comprises a telephone connection with a remote controlling station (c3 L 37-52)  
(re: cl 5) communication means comprises an input access port for providing control by an operator (fig 3)  
(re: cl 6) communications system comprises a satellite communication connection with a remote controlling station (c4 L 15-19)  
(re: cl 18) method for providing at least one item of value from an apparatus in cooperation with operation of a companion device comprising  
providing a control means for controlling a providing (12)  
providing a providing means (c7 L 27-43)  
providing a link for effecting cooperation(28)  
(re: cl 19) communication means coupled with apparatus for communicating operation information with apparatus regarding operation of apparatus (232/234 & 244)  
providing a memory means for storing operational information  
(re: cl 20) communicating a directive comprising a change from a remote locus (c16 L 40-67).

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8. Claims 1-5, 7-8, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Rivalto which discloses:

(Re: cl 1) apparatus for delivering a companion device with delivery of a product apparatus comprising:  
control means for controlling dispensing(102 fig 2)  
actuator coupled to control means (20)  
link for effecting cooperation (c 3 L 1-7)  
(re: cl 2) companion means includes a dispensing means (24)  
(re: cl 3) communications means for communicating (c 3 L 1-7)  
memory means for storing operational information (14 )  
(re: cl 4) communication means comprises a telephone connection with a remote controlling station (c 3 L 1-7)  
(re: cl 5) communication means comprises an input access port for providing control by an operator (18)  
(Re: cl 7) at least one item of value comprises a a coupon redeemable for at least on second product (24 )  
(Re: cl 8) at least one item comprises a product sample (c7 L 1-3)  
(re: cl 18) method for providing at least one item of value from an apparatus in cooperation with operation of a companion device comprising providing a control means for controlling a providing (c4 L 38-55)  
providing a providing means (c4 L 38-55)  
providing a link for effecting cooperation (c4 L 38-55)  
(re: cl 19) communication means coupled with apparatus for communicating operation information with apparatus regarding operation of apparatus (c4 L 38-55)  
providing a memory means for storing operational information (c4 L 56-c5 L7; 110)  
(re: cl 20) communicating a directive comprising a change from a remote locus (c6 L 10-27).

*Claim Rejections - 35 USC § 103*

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claims 1-6, 8, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamm et al. in view of LaDue in which Hamm et al. discloses the elements previously discussed and LaDue discloses the elements not inherently disclosed by Hamm et al. of:

(Re: cl 7) at least one item of value comprises a coupon redeemable for at least on second product (cl L 45).

It would have been obvious at the time of the invention for Hamm et al. to dispense a coupon because related product use may be encouraged as taught by LaDue and come up with the instant invention.

11. Claims 1-8 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rivalto et al. in view of Comer et al. which Rivalto et al. discloses the elements previously discussed and Comer et al. discloses the elements not inherently disclosed by Rivalto et al.:

(re: cl 6) communications system comprises a satellite communication connection with a remote controlling station (fig 1)

It would have been obvious at the time of the invention to include a satellite communication link because a satellite link may facilitate communication in remote locations in wiring is impractical as taught by Comer et al. and thereby come up with the instant invention.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (703) 308-8344.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on (703) 306-4173. The fax number for the Group is (703) 305-7687.



Michael E. Butler  
Examiner



DONALD P. WALSH  
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